IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 14994 of 1999

DATED: 24.1.2007

Between:

G.Krishna Mohan & ors
petitioners

And

Sivarampuram Grampanchayat
Rep by its Sarpanch
Vizianagaram district and ors
respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 14994 OF 1999

ORAL ORDER:

This writ petition is filed seeking a declaration that the petitioners are entitled to absorption into the category of Helper in the 4th respondent corporation in the existing and future vacancies and to direct the respondents 4 to 6 to absorb them into the category of Helpers with all consequential benefits.

The case of the petitioners is that they were appointed as Village Electricity Workers in different Grampanchayats and were trained by the APSEB and were discharging the duties of Helpers in the Operation and Maintenance department for the last more than 10 to 15 years. In terms of B.P.Ms.No. 36 dated 18.5.1997, they were interviewed on 17/18.10.1997, however the results were not included. Thus, they claim that they are entitled to absorption in terms of B.P.Ms.No. 36 dated 18.5.1997. Hence, the present writ petition.

So far as the relief of absorption/regularization claimed by the petitioners in the present writ petition is concerned, having regard to the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**[1], the same cannot be granted. In the said judgment, the apex Court held that the determination of the questions as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, require inquiry into disputed questions of facts, which cannot conveniently be made by the High Courts in exercise of their jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues was the Industrial Tribunal/Court whose determination will be amenable to judicial review.

Hence, in view of the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**, the relief of absorption/regularization of the petitioners cannot be adjudicated by this Court. However, the petitioners are at liberty to approach the labour authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization of their services with the respondents. So far as non-declaration of the results of the interviews held on 17/18.10.1997 is concerned, the respondent Nos. 4 to 6 are directed to declare the results of the interviews within a period of six weeks from the date of receipt of copy of this order, if not already declared.

Subject to above observation, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Dated: 24.1.2007
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[1] 2001 (6) ALD 1